IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 20633 of 2004

Between:

Agnimaremma Grama Laxmi Group, rep. by

Smt. B. Sankaramma, W/o. Srinivasulu,
R/o. Dalavai Kothapalli (DK Palli), Kuppam Mandal, Chittoor District.

..... PETITIONER

AND

1 The District Collector (Civil Supplies), Chittoor District.
2 The Sub-Collector, Madanapalle, Chittoor District.
3 The Revenue Divisional Officer, Madanapalle, Chittoor District.
4 The Mandal Revenue Officer, Kuppam Mandal, Chittoor District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the Respondents in not issuing the Permanent Authorisation to the petitioner's Fair Price Shop at Dalvai Kothapalli Village, Kuppam Mandal, Chittoor District for the last 1 1/2 (One and Half) Year as arbitrary, illegal and discriminatory and consequently direct the respondents to grant permanent Authorisation to the petitioner to run Fair Price shop at Dalvai Kothapalli Village, Kuppam Mandal, Chittoor District.

Counsel for the Petitioner:MR.P.VENKATA RAO

Counsel for the Respondents 1 to 4: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

Petitioner claims to have been selected and appointed as a Fair Price Shop Dealer for Dalvai Kothapalli Village, Kuppam Mandal, Chittoor District, vide proceedings dated 04.01.2003. Its grievance is that though the Mandal Revenue Officer was directed to take necessary steps for issuance of requisite licence and for treating the appointment as permanent, no steps are taken so far. It seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

A perusal of the order, dated 04.01.2003, whereunder the petitioner was appointed as a Fair price Shop Dealer, discloses that there was any amount of uncertainly in the mind of the appointing authority, the 3rd respondent. The conditions, particularly those in (a), (b) and (c) incorporated in the order, leave the entire matter in a state of virtual mess. The appointment of a Fair Price Shop Dealer is provided for under the relevant Control Order. The appointments are made on fulfillment of the conditions and satisfaction of the authority. The conditions, such as, the appointment shall become terminated without notice, if the selected person is found ineligible, or it would become automatically permanent if the appointed dealer (?) does not get an order in his favour are indicative of improper exercise of power. It is on account of these unwarranted and imperfect Clauses that the petitioner still continues to be treated as a temporary dealer, without being issued any licence.

Hence, the writ petition is disposed of directing the 1st respondent to pass fresh order duly taking into account the relevant facts, within two weeks from the date of receipt of a copy of this order. No order as to costs.

L.NARASIMHA REDDY, J

Dated : 29th November, 2004

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To

1 The District Collector (Civil Supplies), Chittoor District.
2 The Sub-Collector, Madanapalle, Chittoor District.
3 The Revenue Divisional Officer, Madanapalle, Chittoor District.
4 The Mandal Revenue Officer, Kuppam Mandal, Chittoor District.

5 2 CCs to the G.P. for Civil Supplies, High Court of A.P.,

Hyderabad (OUT)

6 2 CD copies